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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,282	10/29/1999	FREDERICK J. COOPER	INTL-0258-US	7039

7590 07/15/2003

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ART UNIT	PAPER NUMBER
2621	

DATE MAILED: 07/15/2003

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BEFORE THE BOARD OF PATENT APPEALS

AND INTERFERENCES

Paper No. 11

Mailed 7/15/03

Application Number: 09/430,282

Filing Date: 10/29/99

Appellant(s): Cooper et al.

Timothy N. Trop

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/24/03.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on 1/16/03 has been entered.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 20, 22-25 and 27 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

6,384,852	Ye et al.	5-2002
5,986,695	Choi	11-1999
6,400,830	Christian et al.	6-2002

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 20, 22-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ye et al in view of Choi or Christian et al. This rejection is set forth in prior Office Action, Paper No. 6.

(11) Response to Argument

In order to simplify the issues, the rejection based on Christian reference is hereby withdrawn because Choi teaches similar subject matter. Therefore, appellants' arguments with respect to Christian reference are moot.

A. Is claim 20 obvious over Ye et al in view of Choi?

Appellants basically argue that neither Ye et al nor Choi suggests using luminance level to control the power consumption state of a processor.

In reply, appellants simply argue against the references individually. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In this case, Ye et al teach using image information to detect any movement in front of a camera, and then control the power state of a computer (see col. 2, lines 52-67; Fig. 2). The only difference between Ye et al's teaching and the claimed invention is that Ye at et teach using Red (R), Green (G), Blue (B), color components in a video image, instead of using a luminance color component, to detect any movement in front of a computer (see col. 4, lines 1-9). In Ye et al reference, all three color components, Red, Green, Blue (RGB) are used to calculate the image difference for two images (see col. 4 lines 1-6). The image difference indicates the amount of motion in a video image.

Choi teaches a simple and accurate method to detect a motion in a video image using luminance levels (see col. 4, lines 33-38; col. 6, lines 1-7). One of ordinary skill in the art would recognize that Choi's teaching of detecting a motion in a video image using luminance levels is much more efficient and simpler than Ye et al's teaching of using all three color components, Red, Green, Blue, to calculate an amount of motion in a video image because according to Choi's teaching, only one color component, luminance component, instead of three color components, is used to calculate an amount of motion in a video image. Choi's teaching of using only one color component (luminance component) to calculate the amount of motion in a video image involves a much simpler and faster calculation process than Ye et al's teaching of using all three color components, RGB, to calculate an amount of motion in a video image.

Therefore, it would have been obvious to one of ordinary skill in art, at the time of the invention was made, to modify Ye et al's method by converting Red, Green, Blue color values into luminance values and applying Choi's teaching of detecting a motion in a video image using luminance levels for the purpose of simplifying the calculation process in detecting a motion in a video image. It is extremely well-known in the art that converting Red, Green, Blue color values into luminance values involves simple addition and multiplication calculations, such as

$$Y = 0.299R + 0.587G + 0.114B$$

Where Y is luminance value and RGB are Red, Green, Blue values of a pixel, respectively.

One of ordinary skill in the art would recognize that the additional step of converting Red, Green, Blue color values into luminance values involves simple and negligible calculations compared to the subtraction and addition calculations as taught by Ye et al at column 4, line 1 because such subtraction calculations require three color component values of different images, thereby, requiring more system resources, such as memory and computation power.

Therefore, Choi's teaching of a simple, efficient, and accurate method to detect a motion in a video image using luminance levels would motivate one of ordinary skill in the art to modify Ye et al's method of using three color components, RGB, to detect a motion in a video image with Choi's teaching of using only a luminance component to detect a motion in a video image. Such modification would enable a simpler and faster way to detect a motion in a video image, thereby, saving system resources and computation power.

Therefore, it is believed that claim 20 is obvious over Y et al in view of Choi.

B. Is claim 22 obvious over Ye et al in view of Choi?

Appellants assert that nothing in any the cited references has anything to do with claim limitation regarding controlling the operation of a screen saver based on luminance information.

Again, appellants simply argue against the references individually, while the rejection is based on the combination of references.

Clearly, Ye et al teach controlling the operation of a screen saver based on color image information (see col. 2, lines 56-67). An image difference between two consecutive images is calculated. If there is no substantial difference between consecutive images for a predetermined of period of time, the screen saver is activated. According to Ye et al's method, the image difference is calculated using all three color components, RGB (see col. 4 lines 1-6). As addressed with respect to claim 20, such method of calculating an image difference using all three color components, RGB, is more complex and inefficient than Choi's method of calculating an image difference using only a luminance component.

The arguments with respect to claim 20 are incorporated herein. Therefore, the combination of Ye et al and Choice does teach controlling the operation of a screen saver based on luminance information.

Therefore, it is believed that claim 22 is obvious over Y et al in view of Choi.

B. Is claim 23 obvious over Ye et al in view of Choi?

Appellants assert that nothing in any the cited references has anything to do with controlling system utilities based on luminance information.

Again, appellants simply argue against the references individually, while the rejection is based on the combination of references.

Clearly, Ye et al teach controlling the operation of system utilities, such as turning on and turning off a screen saver, based on color image information (see col. 2, lines 56-67).

The arguments with respect to claims 20, 22 are incorporated herein. Therefore, the combination of Ye et al and Choice does teach controlling the operation of system utilities based on luminance information.

Therefore, it is believed that claim 23 is obvious over Ye et al in view of Choi.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Phuoc Tran

Conferees

Leo H. Boudreau

Andrew W. Johns

Phuoc Tran